

What is the process for finalizing the NPL listing?

Rulemaking process

HQ lead

Proposed Apr. 2015

30-day public comment period, closed _____

77 comments received

PRPs opposed

What is EPA's enforcement process?

2-part

AOC for RI/FS (investigation)

Judicial CD for RD/RA (remedy implementation)

AOC

Commitment to perform work only through RI/FS

Commitment to pay future response costs associated w/ RI/FS

SA Approach

~~Region 8 has never designated an NPL-caliber site as SA approach~~

What is it?

What are the criteria?

How does it work? How does the Agency ensure that the cleanup remedy gets implemented if the AOC only covers the RI/FS?

What happens if the company can't or won't complete the RI/FS?

What happens if the company completes the RI/FS but doesn't enter into a CD to complete the cleanup?

What is the difference between an SA approach agreement and an AOC for an RI/FS?

Does the SA approach provide equivalent assurances that the company will be held accountable for cleaning up the site to the traditional NPL approach?

Can the SAA be used if one of the PRPs doesn't enter into a SA approach agreement with EPA?

Timing for making a decision? EPA has agreed to consider SAA for the CfAC site. NPL listing won't be finalized until at least fall 2016.

CfAC meets the three criteria, but:

- EPA has discretion to enter into SAA agreements
- SAA can't be used if one or more PRPs don't agree to enter into an SAA agreement
- Governor, Sen. Tester and others in the community supported (and may still support) NPL listing
- ~~Region 8 has never designated an NPL-caliber site as SA approach~~
- Region 8 doesn't have a track record of working with Glencore

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What are benefits of SAA?

- Helps address concerns of some in the community that NPL listing will cause a stigma to the community and affect property values. However, peer reviewed studies show that the effect of site listing on property values is mixed. However, we reasonably anticipate to see increases in property values as cleanup progresses, given that, after construction completion, the Gamper-Rabindran and Timmins study finds an 11 – 13 percent increase and after deletion an 18.7 – 24.4 percent increase in property values. www.sciencedirect.com/science/article/pii/S0095089612001167

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Not ready to make decision

Don't have all the information we need

Untested approach in Region 8

Litigation risk (recalcitrant)

Governor's Office & Montana DEQ position

Evaluate CFAC RI implementation